

**Adoption of Nutrient Management Rules under Emergency Rulemaking Provisions  
of the Arkansas Administrative Procedure Act.**

Commission Rules 19, 20, 21, and 22 were adopted under the emergency rulemaking provisions of the Arkansas Administrative Procedure Act and became effective on January 29, 2005. The emergency rules will expire on May 31, 2005. The Commission intends to adopt the rules permanently later this year.

Title 19, "Emergency Rules Governing the Arkansas Poultry Feeding Operations Registration Program," is effective and applies to any poultry feeding operation in the state with 2,500 or more birds. **Title 19 requires that all facilities defined as poultry feeding operations must, beginning this year, annually register its operations by March 31.**

Adoption of Title 20, "Emergency Rules Governing the Arkansas Nutrient Management Planner Certification Program," and Title 21, "Emergency Rules Governing the Arkansas Nutrient Management Applicator Certification Program," will allow Soil and Water to conduct training of planners and applicators. **Currently, there is no requirement imposed by these rules that persons obtain nutrient management plans or hire certified nutrient planners or applicators.** It was necessary to adopt the certification rules so that persons could be trained as certified nutrient planners and as certified nutrient applicators. Because of the availability of the planner certification program, newly certified planners may begin assisting currently certified nutrient management planners in writing the plans that will be used by the majority of persons applying nutrients within Nutrient Surplus Areas in the future. Persons who obtain certification this year as certified nutrient applicators will be available next year for application, when application by a certified person is required.

**Title 22, "Emergency Rules Governing the Arkansas Soil Nutrient and Poultry Litter Application and Management Program," will not require that persons applying nutrients or litter within Nutrient Surplus Areas alter their application behavior to comply with these rules until January 1, 2006.**

In 2006, persons will need to apply nutrients according to a nutrient management plan or at the protective rate. Such persons will also need to make sure that application is done by a certified nutrient applicator when circumstances require a certified nutrient applicator.

If you have questions, please contact Patrick Fisk at (501) 682-3968.